

IN THE MATTER OF AN APPLICATION FOR THE TRANSPORT AND  
WORKS (APPLICATION AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006

PROPOSED NETWORK RAIL (CAMBRIDGESHIRE LEVEL CROSSING  
REDUCTION) ORDER

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**OUTLINE REPRESENTATIONS**

**STATEMENT OF CASE**

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**Introduction**

1. These are the Outline Representations of Savills (UK) Ltd (“Savills”) in their capacity as agents to A P Burlton (Turkeys) Ltd (“APBT”) with respect to the application for a the proposed Network Rail (Cambridgeshire Level Crossing Reduction) order.

2. The matters raised in these Outline Representations are of concern to A P Burlton (Turkeys) Ltd as owner of Land at Valley Farm, Meldreth which would be affected by the proposed scheme.

**Consultation and Engagement**

3. There has been a lack of constructive and proactive face to face meetings with Network Rail’s (NR’s) agents Bruton Knowles (BK). Some discussions have been held but the detail required by the APBT has not been forthcoming. Therefore it has not been possible to discuss all aspects of the scheme with Network Rail.

4. The Draft Order proposes permanent rights of way over areas 05, 09, 11 & 16 which is currently a private track. No explanation has been provided as to the necessity for these permanent rights and my client deems them unnecessary. My client is concerned Network Rail is looking to impose encumbrances on APBT, which are outside the scope and on the back of the closing of the crossing and not within the spirit of the Draft Order, which I understand is driven by health and safety requirements.
5. Insufficient detail for a scheme of this complexity has been provided. No information has been provided as to proposed accommodation works.
6. Network Rail has failed to provide any substantive feedback or response to demonstrate how they have taken account of the objections raised in deciding the final specification of the scheme.
7. No heads of terms have been sent out.

### **Compulsory Acquisition and Compelling Case Requirement**

8. The Proposed Network Rail (Cambridgeshire Level Crossing Reduction) Order will contain powers to acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate or is incidental to it.
9. NR must show a "*compelling case in the public interest for the land to be acquired compulsorily*" Policy guidance is found in paras 8 and 12-16 of R the DCLG *Planning Act 2008 - Guidance related to procedures for the compulsory acquisition of land*, February 2013 ("the Guidance") and considering Circular 06/2004.
10. Further, the guidance as to negotiations either before or parallel with formal processes may well give rise to a "legitimate expectation" that such will occur, and a failure to conduct such negotiations deprives landowners of the benefit that negotiations may have brought, especially where different locations and lesser rights might have been achieved: as to the principles see Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374, per Lord Diplock at 408-409.
11. No meaningful negotiations have taken place alongside the formal procedures for compulsory purchase. Therefore a compelling case cannot be made.

### **Proposed Diverted Footpath**

12. The proposed new route of the footpath is in extremely close to the operational business of APBT and is of significant concern. The proposed new route would bring the general public very close to working buildings comprising a poultry rearing building and business units used by a coach company and car mechanics. In regard to the poultry units bio security is a significant concern particularly in view of the recent Avian Influenza outbreaks. No proposals have been put forward by NR as to how bio security measures will be contained with a proposed footpath traversing in the vicinity of a sensitive building. Security is also a current issue and the site is secured by way of locking gates. The addition of a footpath in the proposed location would make the site extremely vulnerable.
13. Insufficient detail and no management plan nor risk assessments have been proposed by NR as to how the volume of working traffic and works vehicles present at the site will accommodate pedestrians and the general public traversing the premises. Having no information provided is clearly unacceptable to APBT.
14. The route of the proposed diverted footpath will traverse an area identified for the proposed expansion of the business. This has an economic impact on the future viability of the business and will restrict employment opportunities in the local area.

**Alternative Option to Proposed Footpath**

15. We would suggest the existing footpath be diverted north east along Chiswick End to Whitecroft Road, which leads to Station Road. Chiswick End is a public highway. In order to facilitate this, the public footpath which crosses my clients land held under title number CB109457 should be stopped up at Chiswick End.

**Support**

16. Notwithstanding our objections we support the proposal to extinguish the existing public right of way.
17. Notwithstanding our objections we support the closure of the level crossing.

**Request to Attend Hearings and make Representations**

18. Savills intends to lodge full Written Representations in due course and requests to make oral representations at the Order hearing or any other hearings which may be held.

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DATED 4 July 2017